

REMARKS

The Office Action has set forth a restriction requirement to one of the following Groups: (I) claims 1-9, 16-18, and 23-44; drawn to radiolabeled compounds of formula I or II and uses thereof (class 534, subclass 10); (II) claims 10-15, drawn to a method of preparing a non-radiolabeled HEHA compound (class 540, subclass 450+); and (III) claims 18-22, drawn to a method of treating a tumor and decontaminating/detoxifying a sample or person with ^{225}Ac -HEHA (class 534, subclass 10). In addition, the Office has set forth a requirement for election of species.

Applicants elect, with traverse, the claims of Group I (i.e., claims 1-9, 16-18, and 23-44), drawn to radiolabeled compounds of formula I or II and uses thereof, for examination. With respect to the election of species, Applicants elect, with traverse, a compound of formula II, in which R is CO_2H , R' is H, n is 1, and X is NCS. Claims 1, 3, 6, 7, 16-18, 27, 32, 37, 39, and 41 of Group I read on the elected species.

According to the Office, Groups I-III are unrelated because the claims of Group II are directed to non-radiolabeled HEHA compounds, whereas the claims of Groups I and III are directed to radiolabeled HEHA compounds and uses thereof. The claims of Groups I and III are allegedly unrelated because the claims of Group I are directed to compounds of formula I or II and uses thereof, and the claims of Group III are directed to uses of ^{225}Ac -HEHA.

A restriction requirement is proper only if (1) the inventions are independent or distinct as claimed, and (2) examination of the claims of one Group with another Group would pose a serious burden on the Examiner even though the Groups are directed to distinct or independent inventions. Allegations that a claimed invention satisfies these criteria must be supported by reasoning and/or examples.


Applicants respectfully submit that the Restriction Requirement severing Group I, Group II, and Group III is improper because the nature of the claims is such that any burden encountered in searching the groups together would, at most, be slight (and certainly not "serious"). In this respect, all of the pending claims involve a compound with a HEHA (1,4,7,10,13,16-hexaazacyclooctodecane-N,N',N'',N''',N''',N''''-hexaacetic acid) core structure. More specifically, the claims of Group II (i.e., claims 10-15) include a method of preparing the HEHA core structure of formula I or II (i.e., the compounds of Group I). The

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fact that the compounds of Group I are radiolabeled is trivial with respect to the subject matter of Group II. As such, any search and consideration of the claimed subject matter of Group I will necessarily overlap the search and consideration of the claimed subject matter of Group II, and likely Group III.

Accordingly, there would appear to be sufficient similarity between the claims of Group I, Group II, and Group III, or at least the claims of Group I and Group II, to allow for the search and examination of all of the pending claims at the same time without a "serious burden" being placed on the Examiner. Applicants, therefore, respectfully request withdrawal of the restriction requirement in whole or in part.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David J. Schodt", is written over a horizontal line.

David J. Schodt, Reg. No. 41,294
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: September 23, 2004